

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 1-10 have been rejected under 35 USC §101. Claims 1-3 and 5-7 have been rejected as anticipated by Higuchi et al., US 6,474,686. Claim 4 has been rejected as unpatentable over Higuchi et al. in view of Kawaguchi et al., US 4,772,045. Claims 9 and 10 have been indicated as containing allowable subject matter.

Claims 1, 9, and 10 have been amended to overcome the 35 USC §101 rejection. Claims 9 and 10 are in condition for allowance.

Claim 1 recites the flap being deployed by inflation of the protection device into a position adapted to engage and cover a head of a vehicle occupant with the second end portion of the flap adapted to be located over and past the head of the vehicle occupant, the flap being adapted to guide deployment of the protection device over and past the head of the vehicle occupant, the flap being adapted to prevent the protection device from directly engaging the head of the vehicle occupant.

Higuchi et al. disclose a deployment-limiting sheet (24) designed to slow deployment of a rear portion (a portion nearer the occupant) of an air bag (21) relative to a front portion (a portion farther from the occupant) of the air bag (21). Higuchi et al. discloses nothing regarding the deployment-limiting sheet (24) engaging or covering a head of an occupant. Since an anticipation rejection requires that

each and every limitation, as set forth in the claim, be disclosed in the reference (MPEP §2131), Higuchi et al. does not anticipate claim 1. In fact, the deployment-limiting sheet (24) of Higuchi et al. is designed to not engage an occupant at all (Col. 4, line 33-42).

Further, the other art of record, neither alone nor in combination, disclose an apparatus with the limitations of claim 1. Claim 1, as well as claims 2-7 which depend from claim 1, are in condition for allowance.

In view of the foregoing, allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



Robert N. Lipcsik
Reg. No. 44,460

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294